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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.6017 OF 2005

PETITIONER — Sakashi Laboratories
A Proprietorships concern, Through :
Proprietor Digvijay Gupta
S/o. Late Shri Radhe Shyam Gupta
Aged about 18 years, having its registered office at 47, Industrial Estate, Durg, Chhattisgarh.

versus

RESPONDENTS

1. State of Chhattisgarh
Through the Secretary, Department of Animal Husbandry and Dairy, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh.
2. Director,
Veterinary Services
Raipur, Chhattisgarh.
3. Deputy Director
Veterinary Services
Raipur, Chhattisgarh.

Present : Mr. S.C. Verma and Mr. Sanjay Ku. Agrawal, learned counsel for the petitioner.
Mr. Yashwant Singh, learned G.A. for the State.

ORAL ORDER
(Passed on 19th January, 2006)

Having regard to the way in which the writ petition is presented before this Court, I am of the considered opinion that no effective relief could be granted to the petitioner. The contract in question relates to supply of certain specified drugs to the State hospitals. The contention is that the conditions incorporated in the tender documents that only those firms and companies who have turnover of 2 crores during last financial year is arbitrary and unreasonable and cannot stand the scrutiny of Article 14 postulates. I do not think that there is any need for me to appreciate

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the above contention urged by learned counsel for the petitioner. This writ petition is liable to be dismissed in limine for more than one reason. The contracts were awarded to different firms and companies to supply drugs as far as back in the month of October, 2005 and the period of supply would come to an end on 31-03-2006. The firms and companies in whose favour contracts have been awarded, for the reasons best known to the petitioner, are not arrayed as parties – respondents to the writ petition. It is needless to state that those firms and companies who have been awarded contracts to supply drugs are necessary and proper parties to the writ petition. Affected should be appraised is a Constitutional creed flowing from Article 14 postulates and without hearing those firms and companies, the Court cannot grant any relief to the petitioner. The second weighty and substantive reason which weighs with me not to grant relief is the fact that the contracts were awarded in the month of October, 2005, whereas, the writ petition was filed in this Court on 18-11-2005 and the contractors have been supplying the drugs and within two months henceforth the contracts will come to an end. Looking from any angle, this writ petition does not deserve to be accepted for final hearing. The writ petition is, therefore, dismissed at the stage of admission itself. No costs.

Sd/-
Chief Justice

Subba.